

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

AUG 3 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DEAN LAFROMBOISE,

Defendant-Appellant.

No. 23-35442

D.C. Nos. 1:18-cv-00134-BMM  
1:94-cr-00082-BMM-5

District of Montana,  
Billings

ORDER

Before: Lisa B. Fitzgerald, Appellate Commissioner.

This case appears to arise under 28 U.S.C. § 2255 and thus is subject to the requirements of 28 U.S.C. § 2253(c). This case is remanded to the district court for the limited purpose of granting or denying a certificate of appealability at the court's earliest convenience. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997).

If the district court chooses to issue a certificate of appealability, the court should specify the issues that meet the required showing; if the district court declines to issue a certificate, the court is requested to state its reasons. *See* 28 U.S.C. § 2253(c)(3); *Asrar*, 116 F.3d at 1270.

The Clerk will send a copy of this order to the district court.